



April 8, 2003

ENGROSSED SENATE BILL No. 62

DIGEST OF SB 62 (Updated April 7, 2003 7:16 PM - DI 75)

Citations Affected: IC 35-40.

Synopsis: Crime victim identifying information. Provides that unless ordered by the court, a prosecutor shall not disclose information identifying a crime victim during discovery and other proceedings. Provides that the court may impose reasonable restrictions on disclosures of crime victim identifying information.

Effective: July 1, 2003.

Lawson C, Breaux, Simpson
(HOUSE SPONSORS — CRAWFORD, SUMMERS, BUDAK)

January 7, 2003, read first time and referred to Committee on Health and Provider Services.

January 16, 2003, amended, reported favorably — Do Pass.

January 23, 2003, read second time, ordered engrossed.

January 24, 2003, engrossed.

January 28, 2003, read third time, passed. Yeas 43, nays 0.

HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Rules and Legislative Procedures.

April 8, 2003, amended, reported — Do Pass.

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ES 62—LS 6134/DI 97+



April 8, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 62

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedures.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-40-6-4, AS ADDED BY P.L.139-1999,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 4. **(a) As used in this section, "identifying**
4 **information" has the meaning set forth in IC 35-43-5-1.**

5 **(b)** A prosecuting attorney or a victim assistance program shall do
6 the following:

7 (1) Inform a victim that the victim may be present at all public
8 stages of the criminal justice process to the extent that:

9 (A) the victim's presence and statements do not interfere with
10 a defendant's constitutional rights; and

11 (B) there has not been a court order restricting, limiting, or
12 prohibiting attendance at the criminal proceedings.

13 (2) Timely notify a victim of all criminal justice hearings and
14 proceedings that are scheduled for a criminal matter in which the
15 victim was involved.

16 (3) Promptly notify a victim when a criminal court proceeding has
17 been rescheduled or canceled.

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(4) Obtain an interpreter or translator, if necessary, to advise a victim of the rights granted to a victim under the law.

(5) Coordinate efforts of local law enforcement agencies that are designed to promptly inform a victim after an offense occurs of the availability of, and the application process for, community services for victims and the families of victims, including information concerning services such as the following:

(A) Victim compensation funds.

(B) Victim assistance resources.

(C) Legal resources.

(D) Mental health services.

(E) Social services.

(F) Health resources.

(G) Rehabilitative services.

(H) Financial assistance services.

(I) Crisis intervention services.

(J) Transportation and child care services to promote the participation of a victim or a member of the victim's immediate family in the criminal proceedings.

(6) Inform the victim that the court may order a defendant convicted of the offense involving the victim to pay restitution to the victim under IC 35-50-5-3.

(7) Upon request of the victim, inform the victim of the terms and conditions of release of the person accused of committing a crime against the victim.

(8) Upon request of the victim, give the victim notice of the criminal offense for which:

(A) the defendant accused of committing the offense against the victim was convicted or acquitted; or

(B) the charges were dismissed against the defendant accused of committing the offense against the victim.

(9) In a county having a victim-offender reconciliation program (VORP), provide an opportunity for a victim, if the accused person or the offender agrees, to:

(A) meet with the accused person or the offender in a safe, controlled environment;

(B) give to the accused person or the offender, either orally or in writing, a summary of the financial, emotional, and physical effects of the offense on the victim and the victim's family; and

(C) negotiate a restitution agreement to be submitted to the sentencing court for damages incurred by the victim as a result of the offense.



1 (10) Assist a victim in preparing verified documentation
2 necessary to obtain a restitution order under IC 35-50-5-3.

3 (11) Advise a victim of other rights granted to a victim under the
4 law.

5 **(c) Except as provided in subsection (d), a prosecutor shall not**
6 **disclose victim identifying information during discovery and other**
7 **proceedings.**

8 **(d) For good cause shown, the court may order the disclosure of**
9 **victim identifying information. The court may impose reasonable**
10 **restrictions on the disclosure of victim identifying information,**
11 **including a requirement that the identifying information not be**
12 **disclosed to the defendant.**

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SENATE MOTION

Mr. President: I move that Senator Breaux be added as coauthor of Senate Bill 62.

LAWSON C

SENATE MOTION

Mr. President: I move that Senator Simpson be added as coauthor of Senate Bill 62.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 62, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 9, delete "licensed" and insert "**medical**".

Page 3, line 15, delete "Each member of the commission who is not a state employee" and insert "**Members of the commission are not entitled to a salary per diem or reimbursement of expenses for service on the commission.**".

Page 3, delete lines 16 through 36.

Page 3, line 37, delete "(l)" and insert "**(j)**".

Page 4, line 28, delete "(m)" and insert "**(k)**".

Page 4, line 32, delete "(n)" and insert "**(l)**".

Page 4, line 32, delete "of a quorum".

Page 4, line 35, delete "(l)(8)" and insert "**(j)(8)**".

Page 4, line 36, delete "(o)" and insert "**(m)**".

Page 4, line 37, delete "(l)(8)" and insert "**(j)(8)**".

Page 4, line 42, delete "(p)" and insert "**(n)**".

and when so amended that said bill do pass.

(Reference is to SB 62 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 11, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 62, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedures.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 62 as printed January 17, 2003.)

PELATH, Chair

Committee Vote: yeas 9, nays 0.

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